

1 DENNIS M. PRINCE
2 Nevada Bar No. 5092
3 **PRINCE & KEATING**
4 3230 S. Buffalo Drive, Suite 108
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5 Attorney for Defendants
6 *Avonne Atkinson, Alexis McDaniels, a minor,*
and Dietra Diane Atkinson as Guardian of the
Estate of Alexis McDaniels
7
8

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE DISTRICT OF NEVADA**

11 OLD MUTUAL FINANCIAL LIFE
12 INSURANCE COMPANY,

13 Plaintiff,

14 vs.

15 AVONNE ATKINSON, individually,
16 ALEXIS MCDANIELS (a minor),
17 individually and DIETRA DIANE
18 ATKINSON, as Guardian of the Estate of
19 ALEXIS MCDANIELS, DOE
20 INDIVIDUALS I through X, inclusive,
and ROE ENTITIES I through X,
inclusive,

21 Defendants.

22 AVONNE ATKINSON, individually,
23 ALEXIS MCDANIELS (a minor),
24 individually and DIETRA DIANE
25 ATKINSON, as Guardian of the Estate of
26 ALEXIS MCDANIELS,

27 Counterclaimants,

28 vs.

29 OLD LIBERTY MUTUAL FINANCIAL
30 INSURANCE COMPANY,

31 Counterdefendant.

CASE NO. : 2:10-CV-572-RLH-PAL

STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE

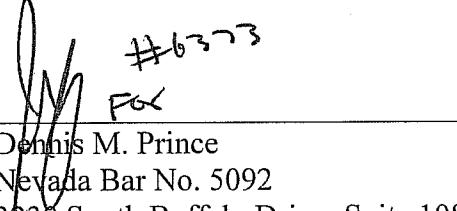
1 IT IS HEREBY STIPULATED by and between the parties, by and through their
2 respective counsel of record, that the above-captioned matter shall be dismissed with
3 prejudice, as to all claims and all parties, each party to bear their own costs and attorney's
4 fees.

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6 A copy of the file-stamped Order Approving the Minor's Compromise is attached as
7 Exhibit 1.

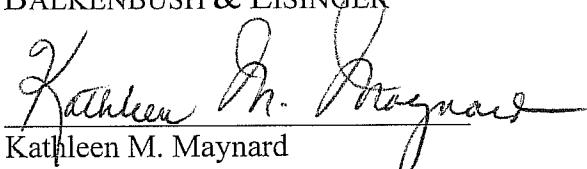
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Dated: 2/3/11

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10 PRINCE & KEATING

11 
12 Dennis M. Prince
13 Nevada Bar No. 5092
14 3230 South Buffalo Drive, Suite 108
15 Las Vegas, Nevada 89117
16 Attorney for Defendants
17 *Avonne Atkinson, Alexis McDaniels, a minor, and Dietra Diane Atkinson as Guardian of the Estate of Alexis McDaniels*

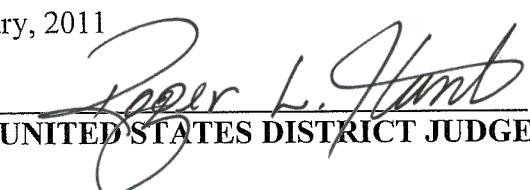
18
19 THORNDAL, ARMSTRONG, DELK,
20 BALKENBUSH & EISINGER

21 
22 Kathleen M. Maynard
23 Nevada Bar No.: 10675
24 1100 E. Bridger Avenue
25 Las Vegas, Nevada 89101
26 Attorney for Plaintiff
27 *Old Mutual Financial Life Insurance Company*

28 **ORDER**

29
30 IT IS SO ORDERED.

31 Dated this 7th day of February, 2011

32 
33 UNITED STATES DISTRICT JUDGE

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35 Prepared and submitted by:

36 PRINCE & KEATING

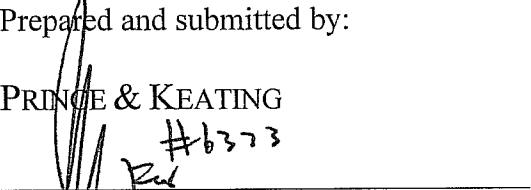
37 
38 Dennis M. Prince
39 3230 South Buffalo Drive, Suite 108
40 Las Vegas, Nevada 89117
41 Attorney for Defendants/Counterclaimants

EXHIBIT 1

1
2 **ORDG**

DENNIS M. PRINCE

Nevada Bar No. 5092

3 **PRINCE & KEATING**

4 3230 South Buffalo Drive

Suite 108

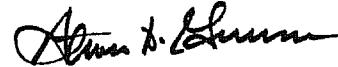
5 Las Vegas, Nevada 89117

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7 *dprince@princekeating.com*

Attorney for Petitioner



CLERK OF THE COURT

8 **DISTRICT COURT**9 **CLARK COUNTY, NEVADA**

10 In Re the Disputed Claim of:

11 ALEXIS MCDANIELS,

12 a minor.

13 CASE NO. : A10-631908-M

14 DEPT. NO.: XVI

15 **ORDER GRANTING COMPROMISE OF DISPUTED CLAIM OF A MINOR**16 This matter having come on for hearing upon the Petition and Application for an
17 Ordering Compromising Disputed Claim of Alexis McDaniels, a minor, the Petitioner
18 appearing by and through their attorneys, PRINCE & KEATING, and the Court, having
19 considered the Petition and Application of Dietra Atkinson, parent and natural guardian of
20 Alexis McDaniels, a minor, to compromise the claim on behalf of said minor child arising
21 out of a claim for life insurance benefits against Old Mutual Financial Life Insurance
22 Company as a result of the death of the minor's father, Michael McDaniels; and the Court
23 finding that the allegations of said Petition are true and that it is in the best interest of said
24 minor that the disputed additional claim be settled as proposed in the Petition:
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01-07-11 08:01 RC

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2 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the proposed
3 settlement of the claim of Alexis McDaniels, a minor, against Old Mutual Financial Life
4 Insurance Company be, and the same is hereby approved for the personal injury claims made
5 by said minor in the total sum of TWENTY-FIVE THOUSAND (\$ 25,000.00) DOLLARS to
6 be disbursed as follows:

7 Attorney's Fees (33%)	\$ 8,335.00
8 Costs of suit	\$ 343.16
9 Amount to be deposited into Blocked	
10 Trust Account	\$ 16,321.84

11 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED:**

12 6. A. Authorization to deposit said settlement funds in the amount
13 of Sixteen Thousand Three Hundred Twenty-One Dollars and
14 84/100 (\$16,321.84) into a blocked trust account at Wells Fargo
15 Bank on behalf of Alexis McDaniels, minor, is hereby given to
16 Petitioner;

17 B. Funds deposited in the blocked trust account shall not be
18 removed, liquidated or diminished prior to the minor reaching
19 the age of eighteen (18) years without Court approval upon a
20 showing that the withdrawal is in the best interest of that minor
21 child;

22 ...

23 ...

1 C. Petitioner and PRINCE & KEATING, shall cause, within sixty
2 (60) days of the date of this order, proof to be filed with this
3 court that the blocked annuity accounts have been established;

4 D. A status check before this Court is set for
5 March 15, 2011 9:00AM to show compliance with this Order. In
6 the event the proof of compliance has been filed with this Court,
7 it will not be necessary for the Petitioner or Dennis M. Prince to
8 attend this status check hearing;

9 E. IT IS FURTHER ORDERED that the trustee or petitioner
10 SHALL file periodic verified annual reports in order to detail
11 the activities of the blocked annuity account during the previous
12 twelve (12) months pursuant to NRS 41.200(5); and,

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that said Petitioners
14 are to execute a full and final release and to discharge Old Mutual Financial Life Insurance
15 Company of and from all claims, charges and demands for a claim for life insurance benefits
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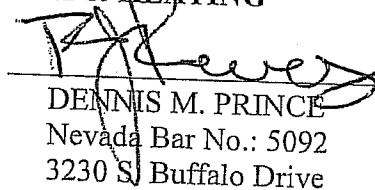
1 against Old Mutual Financial Life Insurance Company as a result of the death of the minor's
2 father, Michael McDaniels.

3 DATED this 10th day of January, 2011.

4
5
6
7 
8 DISTRICT COURT JUDGE 

9 Submitted by:

10 **PRINCE & KEATING**

11 By:  for (11445)

12 DENNIS M. PRINCE
13 Nevada Bar No.: 5092
14 3230 S. Buffalo Drive
15 Suite 108
16 Las Vegas, Nevada 89117
17 Attorney for Petitioner